

Pension Law and Policy
Course Description – Fall 2010

Course Description

Professor: Freya Kodar

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Course Information

Times: Monday and Wednesday, 10:30 a.m. – 11:50 a.m.

Location: Room 205, Fraser Building

Unit Value: 1.5 Credits

Course Website: The course website is a Moodle site that can be accessed at
<http://moodle.uvic.ca/>

Description and Objectives

Pension law and policy affects all sectors of society – the state, corporations, markets, labour, the elderly, families and individuals. Thus pension law and policy engages a number of areas of law: corporate law, labour law, family law, trust law, social welfare and tax law. This course examines the pension system within Canada – both its “private” and “public” aspects – along with the pressures on the system from factors such as an aging population, privatization and globalization.

This course aims to:

- provide you with an understanding, in general terms, of the Canadian pension system and the regulatory scheme that governs it.
- give you an opportunity to examine some of the competing pressures on the pension system from factors such as an aging population, privatization and globalization and to discuss law reform and policy debates in the area.

This course is structured around the following broad topics:

- i. History of the Canadian Pension System & Canadian Retirement Data
- ii. Pension Coverage (including types of employment, women and caregiving)
- iii. Public Pensions (including Old Age Security, Canada Pension Plan)
- iv. Private Pensions (including minimum standards, funding, investment, bankruptcy)
- v. Pension Reform (perspectives on retirement & reform, BC & Alberta Joint Expert Panel on Pension Standards, Federal Reforms)
- vi. Comparative Pension Systems

Required Course Materials

Kaplan	Ari N. Kaplan, <i>Pension Law</i> (Toronto: Irwin Law, 2006). Available for purchase at the Bookstore. It is also on Reserve in the law library and a link to the online version is available on the course website and through the law library catalogue.
Web	Material that can be downloaded through the Course Website
CH	Class handout
Reserve	Reserve item available from library

Methodology

The course will be conducted as an advanced seminar where we will all learn from and teach each other. While I may provide some introductory comments or provide additional context for the readings, particularly in the first few weeks, the bulk of our time will be spent in discussion.

The success of the course depends on your willingness to critically engage with the materials and ideas in the course and to participate in classroom discussions. I expect that you will attend every class having read and thought about the materials.

Classroom Environment

An inclusive, respectful, and diverse classroom environment is crucial to our work in this course. To ensure that all class members feel welcomed and equally able to contribute to class discussions, we must endeavor to be respectful in our language, our examples, and the manner in which we conduct our discussions and group work. We have both an ethical and legal obligation to support this kind of environment.

For your reference, you may wish to consult the University's Discrimination and Harassment Policy: http://www.uvic.ca/shared/shared_usesec/docs/policies/GV0205_1150_.pdf. The University of Victoria and the Faculty of Law are committed to promoting, providing and protecting a positive, supportive and safe learning and working environment for all its members. I expect all aspects of this class to be conducted with this commitment firmly in mind. If you have any concerns about the climate of the class, please feel free to contact the Associate Dean or me.

Scented Products

Scented products aggravate health problems for some people, especially those with asthma, allergies and other medical conditions. In the interests of maintaining a healthy classroom environment please refrain from wearing scented products such as perfume, cologne, hairspray, lotions and creams in class.

Evaluation

There is no examination in this class. Your final grade will be based on the following:

- | | | |
|----|--|----------|
| 1) | 20-25 Page Research Paper* | 70 marks |
| 2) | Class Presentation of Work-in-Progress | 10 marks |
| 3) | 5 Discussion Questions / Comments | 15 marks |
| 4) | Class Participation - | 5 marks |

(1) Research Paper: 70 marks

The research essay should be about a topic that is of interest to you and approved by me. The essay should critically examine an area of pension law and policy raised in the materials or class discussions, or one that is not addressed but which involves an issue in pension law and policy. Ideally it will include a comparative component and look at the way in which the subject is dealt with in another jurisdiction. You must make and develop an argument in the essay. You will be required to submit a brief note describing your topic, and a 3-5 page outline (including bibliography).

The paper will be evaluated on its substance and analysis, quality of writing and research, and accuracy and appropriateness of citation. The essay should be between 20 - 25 pages** (including footnotes/endnotes and appendices).

** "Page" means letter-size paper (8 1/2" x 11"), double-spaced, with 1" margins and 12 point Times New Roman font typing. **An essay that exceeds the page limit will be docked one grade level (for example, A down to A-, B+ down to B) for each partial page over the limit.**

Deadlines:

Paper Topic: Your topic must be *deposited in the online drop box* by 4:30 p.m. on **Friday October 8, 2010.**

Outline: The outline must be *deposited in the online drop box* by 4:30 p.m. on **Friday November 5, 2010.**

Paper: The paper must be *deposited in the online drop box* by 4:30 p.m. on **Friday December 3, 2010.**

Extensions:

Extensions are at my discretion. If you are having difficulties meeting the due dates, please discuss the problem with me or with the Associate Dean before the due date. In the absence of an extension, failure to submit the topic, outline or essay by the deadline will result in the final grade for the essay being reduced one grade level (A down to A-, B+ down to B) for each partial day that the topic, outline or essay is late.

Major Paper Option:

If you wish to write a longer paper that will fulfill the Faculty's major paper requirement, the paper must be at least 7500 words (not including notes, appendices and bibliography), and receive a grade of at least C+. You must receive permission in advance from me, and register the paper with the Associate Dean's office.

(2) In-Class Presentation of Work-in-Progress: 10 marks

Classes between Wednesday November 24 and Wednesday December 1 will be devoted to class presentations of research work-in-progress. Presentations will be structured as they would at academic conferences. Each presentation will be 20 minutes, including 7-10 minutes allotted for class discussion. A revised paper outline should be distributed in the class preceding your presentation. Your presentation should include an overview of your topic, the questions you are investigating, your argument/analysis and any problems or issues you are struggling with as you work on your paper. The schedule for presentations will be finalized after October 8, so that similar topics can be scheduled together.

(3) Discussion Questions / Comments for 5 Classes: 15 marks (3 marks each)

You must submit two questions or comments about the assigned material for 5 classes. If you submit questions, you must include 2 or 3 sentences explaining why you have raised the question; that is, why you think the question is relevant or important. Each submission (2 questions/comments) will be worth 3% of your final grade, and should be no more than 250 words. The questions/comments should not be simple factual inquiries but deal with larger theoretical or policy issues and/or link with other course readings and discussions.

Subject to the requirement that you must submit questions/comments for 2 classes in September, 2 classes in October and 1 class in November, it is up to you which classes you choose. Your questions/comments must be submitted no later than 8:00 p.m on Sunday for a Monday class, and 8:00 p.m. on Tuesday for a Wednesday class. They should be sent to me at fkodar@uvic.ca.

I will incorporate them into class discussion, and may call on you in class to address them, or to summarize the reading(s) you commented on or questioned. I will review all of the questions/comments at the end of the term in order to assign a grade for this part of the course.

(4) Class Participation: 5 marks

To promote your participation and engagement 5 marks will be granted if you:

- (a) submit the paper topic by October 8, 2010
- (b) submit the research paper outline by November 5, 2010
- (c) attend class*; and
- (d) participate in classroom discussions and activities.

If any of these requirements is **not** met, you will not get **any** of the 5 marks. In other words, you will either get full class participation marks, or no marks at all.

**** Attendance:** Students are expected to attend all classes and to have read and thought about the required readings. If you cannot attend a class, please advise me in advance. If you miss more than two classes you may not receive the 5 class participation marks

Accommodations

If you would like to discuss classroom, assignment or exam accommodation necessitated by a permanent or temporary disability, or for other reasons, please see Associate Dean Heather Raven as soon as possible.

Grading

The following breakdown of letters and percentages is the one that the University of Victoria Faculty of Law uses to determine course grades:

Letter Grade	Grade Point Value	Percentage Value	Narrative Description
A+ A A-	9 8 7	90-100% 85-89% 80-84%	Exceptional, outstanding, and excellent performance, normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
B+ B B-	6 5 4	75-79% 70-74% 65-69%	Very good, good, and solid performance, normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area balanced with satisfactory grasp in the other area.
C+ C	3 2	60-64% 55-59%	Satisfactory or minimally satisfactory performance. These grades indicate a satisfactory performance and knowledge of subject matter.
D	1	50-54%	Marginal performance. A student receiving this grade demonstrates a superficial grasp of subject matter.
F	0	49 and below	Unsatisfactory performance.

Regulations

- A. **Academic integrity is expected of all participants in the University Community. It is a serious academic offence to engage in plagiarism or other forms of academic dishonesty or to assist others in doing so.** You should familiarize yourself with the University's Policy on Academic Integrity, which is set out in the University of Victoria Undergraduate Calendar 2010-11 ("University Calendar"). The policy is available on-line at:
<http://web.uvic.ca/calendar2010/FACS/UnIn/UARe/PoAcI.html>

“Plagiarism

A student commits plagiarism when he or she:

- *submits the work of another person as original work*
- *gives inadequate attribution to an author or creator whose work is incorporated into the student's work, including failing to indicate clearly (through accepted practices within the discipline, such as footnotes, internal references and the crediting of all verbatim passages through indentations of longer passages or the use of quotation marks) the inclusion of another individual's work*
- *paraphrases material from a source without sufficient acknowledgement as described above*

Students who are in doubt as to what constitutes plagiarism in a particular instance should consult their course instructor.

The University reserves the right to use plagiarism detection software programs to detect plagiarism in essays, term papers and other assignments.”

- B. The Undergraduate Academic Regulations (2010-2011) of the University Calendar set out the University's expectations about attendance, assignments and examinations. These are available on-line at:
<http://web.uvic.ca/calendar2010/FACS/UnIn/UARe/index.html>